

AMENDED IN SENATE APRIL 23, 2015

SENATE BILL

No. 456

Introduced by Senator Block

February 25, 2015

An act to add Section ~~422.2~~ 422.3 to the Penal Code, relating to criminal threats.

LEGISLATIVE COUNSEL'S DIGEST

SB 456, as amended, Block. Criminal threats: discharge of a firearm.

Existing law requires a person who willfully threatens to commit a crime that will result in death or great bodily injury to another person, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, and thereby causes that other person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, to be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison.

This bill would provide that a person who ~~maliciously threatens~~ *threatens, by specified means*, to discharge a firearm on the campus of a ~~public or private university, community college, school~~ *school, as defined*, or location where a school-sponsored event is taking place, ~~and who maliciously causes the report of that threat to be made, orally, in writing, or by means of an electronic communication device, to law enforcement, under circumstances where the threat would reasonably be understood as true, and where the person making the threat knows or should know that the threat would be understood as true~~, is guilty of a misdemeanor punishable by a fine not exceeding \$1,000, by imprisonment in a county jail for a period not exceeding one year, or by both that fine and imprisonment. *The bill would state that*

precautionary measures taken by a school or law enforcement agency is evidence that the threat was reasonably understood as true. The bill would also make a person convicted of committing this ~~conduct, based on a report that resulted in an emergency response,~~ *conduct* liable to the public agency for the reasonable costs of the emergency response by that public agency.

By creating a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 422.2 is added to the Penal Code, to read:~~
- 2 ~~422.2. (a) A person who maliciously threatens to discharge a~~
- 3 ~~firearm on the campus of a public or private university, community~~
- 4 ~~college, school, or location where a school-sponsored event is~~
- 5 ~~taking place in the state, and who maliciously causes the report of~~
- 6 ~~that threat to be made to law enforcement, is guilty of a~~
- 7 ~~misdemeanor punishable by a fine not exceeding one thousand~~
- 8 ~~dollars (\$1,000), by imprisonment in a county jail for a period not~~
- 9 ~~exceeding one year, or by both that fine and imprisonment.~~
- 10 ~~(b) A threat to discharge a firearm described in subdivision (a)~~
- 11 ~~includes a threat that is communicated orally, in writing, by means~~
- 12 ~~of an electronic communication device, including, but not limited~~
- 13 ~~to, a telephone, cellular telephone, computer, video recorder, fax~~
- 14 ~~machine, text message, on social media, or by any other means.~~
- 15 ~~(c) "School" as used in this section means a preschool,~~
- 16 ~~elementary school, middle school, junior high school, high school,~~
- 17 ~~or charter school.~~
- 18 ~~(d) This section does not preclude punishing a person for~~
- 19 ~~conduct described in subdivision (a) under any other law providing~~
- 20 ~~for greater punishment.~~
- 21 ~~(e) A person convicted of violating this section, based upon a~~
- 22 ~~report that resulted in an emergency response, is liable to the public~~

1 agency for the reasonable costs of the emergency response by that
2 public agency.

3 *SECTION 1. Section 422.3 is added to the Penal Code, to read:*

4 *422.3. (a) A person who threatens to discharge a firearm on*
5 *the campus of a school, or location where a school-sponsored*
6 *event is taking place, under circumstances where the threat would*
7 *reasonably be understood as true, and where the person making*
8 *the threat knows or should know that the threat would be*
9 *understood as true, is guilty of a misdemeanor punishable by a*
10 *fine not exceeding one thousand dollars (\$1,000), by imprisonment*
11 *in a county jail for a period not exceeding one year, or by both*
12 *that fine and imprisonment.*

13 *(b) The fact that precautionary measures were taken by a school*
14 *or law enforcement agency is evidence that the threat was*
15 *reasonably understood as true.*

16 *(c) A threat to discharge a firearm described in subdivision (a)*
17 *includes a threat that is communicated orally, in writing, by means*
18 *of an electronic communication device, including, but not limited*
19 *to, a telephone, cellular telephone, computer, video recorder, fax*
20 *machine, text message, and social media, and by any other means.*

21 *(d) For purposes of this section, “school” means a state*
22 *preschool, private or public elementary school, middle school,*
23 *vocational school, junior high school, or high school.*

24 *(e) This section does not preclude or prohibit prosecution under*
25 *any other law.*

26 *(f) A person convicted of violating this section, or adjudged a*
27 *ward of the juvenile court pursuant to Section 602 of the Welfare*
28 *and Institutions Code based upon a violation of this section, is*
29 *liable to a public agency for any reasonable costs of the emergency*
30 *response to the person’s threat by that public agency.*

31 *SEC. 2. No reimbursement is required by this act pursuant to*
32 *Section 6 of Article XIII B of the California Constitution because*
33 *the only costs that may be incurred by a local agency or school*
34 *district will be incurred because this act creates a new crime or*
35 *infraction, eliminates a crime or infraction, or changes the penalty*
36 *for a crime or infraction, within the meaning of Section 17556 of*
37 *the Government Code, or changes the definition of a crime within*

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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